REMARKS

In the non-final Office Action dated March 26, 2008, it is noted that claims 1 – 9 are pending; that oath or declaration is objected to; that claims 1 – 9 stand rejected under 35 U.S.C. §102; and that claims 5 and 6 stand rejected under 35 U.S.C. §101.

In the present amendment, new claims 10 – 17 have been added, and claims 1 and 5 – 8 have been amended to more clearly and distinctly claim the subject matter that applicants regard as their invention. No new matter has been added.

Objection to the Oath or Declaration

In the Office Action, it is stated that the oath/declaration is defective because:

It does not state that the person making the oath of declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56. The oath also cites "material to the examination of" instead of "material to the patentability of".

Regrettably, Applicant has been unable to obtain a new Oath/Declaration in compliance with 37 CFR §1.67(a). Applicant is aware of this requirement and is endeavoring to obtain a new Oath/Declaration as quickly as possible.

Rejections under 35 U.S.C. §101

Claims 5 and 6 are rejected under 35 U.S.C. §101 because the claimed invention is directed to non-statutory subject matter. Claims 5 and 6 were written as dependent claims depending from claim 1. While they are directed to statutory classes of matter, a claim may not be directed to two or more classes of matter, even if they are all statutory.

In the present amendment, claims 5 and 6 have been rewritten as independent claims, each directed to only one class of matter. Withdrawal of the rejection of claims 5 and 6 under 35 U.S.C. §101 is respectfully requested.

Rejections under 35 U.S.C. §102

Claims 1 to 9 are rejected under 35 U.S.C. §102(a) as being anticipated by Cordero et al. (WIPO publication WO 01/65358 A2, application PCT/US01/05478, entered as FPL 02-21-2006).

Response to Arguments

Applicants submit that for at least the following reasons, claims 1 – 17 are not anticipated by Cordero et al.

For example, claim 1 requires:

> "*said set of information items comprises the way in which said modular units are located relative to one another*."

Cordero et al. page 19, lines 16 – 19, discloses:

> "For example, a client may submit, in its request to the match maker, criteria such as game name, number of players, rules, world in which the game is being played, and ping-time (e.g., best performance, least latency, random selection, etc.)."

Therefore, Cordero, et al. teaches that one criterion a client may use is least latency, which can be determined from the ping-time. In the Office Action, it is stated that the least latency criterion is determined at least in part by how far clients are away from each other. Applicants submit that the latency criterion cannot be interpreted as the way in which the modular units are located relative to each other. This is because, network latency relates to the time data packets have to travel from one client to another client over the network, and therefore the latency is determined in part by how long the network path is between the clients, such as by ping-time. Applicants submit that latency contains information related to the ping-time, but it does not contain information about the way the modular units are located to one another. Therefore, the least latency criterion in Cordero et al. does not teach or suggest that "*said set of*

information items comprises the way in which said modular units are located relative to one another," as claimed.

In view of the foregoing, Applicants submit that claim 1 is not anticipated by Cordero et al. Claims 5, 6 and 7 should also to be patentable because they contain many similar distinguishing features as discussed in claim 1. Withdrawal of the rejection of claims 1, 5 – 7 under 35 U.S.C. §102(a) is respectfully requested. Withdrawal of the rejection of claims 2 – 4, and 8 – 9 under 35 U.S.C. §102(a) is further requested because they depend from claims 1 and 7 respectively. Claims 10 – 11, 12 – 13, 14 – 15, and 16 – 17 are also believed to be patentable because they depend from claims 1, 5, 6 and 7 respectively.

Any fee due with this paper, not already paid through an EFS-Web filing, may be charged to Deposit Account No. 50-3894. Any overpayment may be credited to Deposit Account No. 50-3894.

Respectfully submitted,

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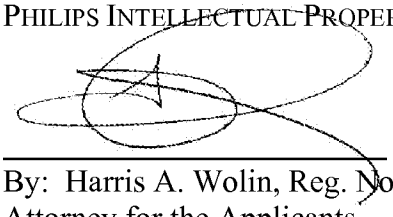

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